

REMARKS

Drawings

The Examiner has objected to the drawings as failing to comply with 37 CFR 1.84 (p)(5) because they include reference numerals not mentioned in the description.

The Examiner states that elements 32 and 37 of Figure 4 are not described in the specification.

The specification has been amended to describe elements 32 and 37 of Figure 4. Element 32 is now described in the second new paragraph on page 11. Element 37 is now described in the second paragraph on page 12. No new matter is added given that both elements 32 and 37 were disclosed in the originally filed figures.

35 U.S.C. § 102 Rejections

The Examiner has rejected claims 1, 2, 7 and 8 under 35 U.S.C. § 102(e) as being unpatentable over Kim.

Regarding claim 1, Kim does not disclose a second motion detection algorithm capturing a frame after a certain period of time.

Kim discloses a surveillance system including a camera 200 installed in a surveillance area, and a surveillance unit 212 having an image capture unit 214, a control unit 216, and a permanent storing unit 218 (Column 2, lines 42-47). An image of the area within the observable scope is captured (Step 300). Luminance values are calculated using a formula (Step 302). Differences between the

calculated luminance values and those of the corresponding selected pixels of the previous image are calculated (Step 304), and when the number of counted pixels is less than or equal a predetermined number, the current image is not saved (Step 308 and 402) (Column 3, lines 47-57). When the number of counted pixels is more than the predetermined number, the current image is stored. Thus Kim discloses only one motion detection algorithm for capturing a current image. Specifically, Kim does not disclose a second motion detection algorithm capturing a frame after a certain period of time.

Claim 1 has been amended to include a second motion detection algorithm capturing a frame after a certain period of time. Specifically, claim 1 includes the limitation "a second motion detection algorithm capturing a stable frame after a certain duration has elapsed since the predetermined threshold has been exceeded."

Therefore, claim 1 is patentable over Kim because claim 1 includes a limitation not disclosed in Kim. The amendment is also in accordance with the Examiner's indication that claim 3 would be allowable if rewritten in independent form, as the limitation added to claim 1 was taken from the cancelled claim 3.

Claim 2 is dependent on claim 1 and should be allowable for the same reasons as claim 1.

Regarding claim 7, Kim does not disclose a third buffer to store an image for uploading to a web site.

Kim, in this regard, discloses a temporary previous image storing unit 214 and a permanent storing unit 218 (Column 2, lines 46-47). As discussed before, the image is only sent to the permanent storing unit 218 when certain conditions are met

regarding the captured images. Even if the temporary memory 214 is interpreted as holding both a current and a previous frame, Kim does not disclose a third buffer, but only a permanent storing unit 218. Thus Kim discloses at most two frame buffers and a permanent storing unit. Specifically, Kim does not disclose a third buffer to store an image for uploading to a web site.

Claim 7 includes a third buffer to store an image for uploading to a web site. Specifically, claim 7 includes the limitations "a current frame buffer to hold a current image captured by the video camera," "a previous frame buffer to hold a previous image captured prior to the current image," and "a candidate buffer to hold a most recent image for periodic uploading to the web site."

Therefore claim 7 is patentable over Kim because claim 7 includes a limitation not disclosed in Kim.

Claim 8 is dependent on claim 7 and should be allowable for the same reasons as claim 7.

Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 1, 2, 7, and 8 under 35 U.S.C. § 102(e) as being unpatentable over Kim.

ALLOWABLE CLAIMS

Applicant has noted with appreciation that the Examiner has allowed claims 11-20. In view of these amendments, Applicant respectfully submits that claims 1, 2, 4, and 6-20 are now in condition for allowance, and request allowance of said claims.

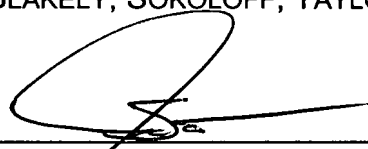
Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call James H. Salter at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: August 1, 2003



James H. Salter
Reg. No. 35,668

Customer No. 008791
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1030
(408) 720-8300